

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 7, 1999
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Mann, Nakanishi, Pennino and Land (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Community Development Director Bartlam, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor Perry Kalis, Temple Baptist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Land.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Land presented a proclamation to William Mitchell, Director of San Joaquin County Public Health Services, proclaiming the week of April 4 – 10, 1999 as "Public Health Week" in the City of Lodi.
- b) Mayor Land presented a proclamation to Richard Jones, Executive Director of the Lodi Boys and Girls Club, proclaiming the week of April 11 – 17, 1999 as "National Boys and Girls Club" in the City of Lodi. Further, a Certificate of Recognition was presented to Billy Mireles, who participated in the "Mayor For The Day" program.
- c) Mayor Land presented a proclamation to Bob Whitmire and Bill Dauer with Lodi Memorial Hospital proclaiming May 8, 1999 as "Walk For The Health Of It" in the City of Lodi.
- d) A representative from the Lodi Arts Commission was not at the meeting; therefore an update was not made to the City Council on the activities and accomplishments of the Lodi Arts Commission.
- e) Police Chief Hansen and Police Volunteer Supervisor Biskup introduced the graduating class of the 10th Partners Academy. Mayor Land presented each graduating member with a City of Lodi pin.
- f) Julia Green, Executive Director with the San Joaquin County Council of Governments (COG), presented the City of Lodi with the Golden K Award for March 1999.

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Hitchcock second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$6,122,811.33.

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- b) The minutes of March 17, 1999 (Regular Meeting), March 25, 1999 (Joint Meeting with the Downtown Lodi Business Partnership), March 25, 1999 (Joint Meeting with the Lodi Arts Commission) and March 31, 1999 (Joint Meeting with the Lodi Unified School District) were approved as written.
- c) Adopted Resolution No. 99-48 authorizing the purchase of one IBM 3130-03S high-speed system printer from Orcom Solutions of Bend, Oregon, in the amount of \$18,649.37.
- d) Adopted Resolution No. 99-49 authorizing the purchase of 30 Safariland® Multi-Flex III-A concealable ballistic vests with trauma plate and spare cover from LC Action Police Supply of San Jose, under terms of their bid with the City of Richmond, California, in the amount of \$13,867.43.
- e) Authorized the donation of one surplus Opticom traffic signal pre-emptor unit to Woodbridge Fire District (the estimated value of this unit is \$500).
- f) Adopted Resolution No. 99-50 awarding the contract for installation of electric utility substructures under and along Highway 99 south of Kettleman Lane and on Thurman Street from Industrial Substation to east of Guild Avenue to the low bidder, Royal Electric Company, of Sacramento, in the amount of \$52,270.
- g) Adopted Resolution No. 99-51 awarding the bid for the Wide Area Network (WAN) Premise Equipment and Support Contract to WAN/LAN Solutions, from Rocklin, California, in the amount of \$119,731.11.
- h) Adopted Resolution No. 99-52 awarding the bid for the City's Wide Area Network (WAN) Firewall Software to the low bidder, Angus-Hamer, Inc., of Granite Bay, California, in the amount of \$17,599.19.
- i) Adopted Resolution No. 99-53 awarding the Wide Area Network (WAN) Fiber Optic Cabling Installation contract to Pacific Bell, from Stockton, California, under the competitively bid State of California CALNET contract, in the amount of \$59,836.67.
- j) Agenda item #E-10 entitled, "Authorize City Manager to execute agreement for Internet services" was pulled from the agenda pursuant to staff's request.
- k) Accepted improvements under the "Armory Park Improvements, 333 North Washington Street" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- l) Adopted Resolution No. 99-54 amending Traffic Resolution No. 97-148 by approving the installation of angle parking on the west side of Washington Street between Walnut and Oak Streets; and approved the conversion from "yield" to "stop" control on Walnut Street at Washington Street.
- m) Adopted Resolution No. 99-55 approving Program Supplement No. 008-M to Administering Agency-State Agreement No. STPLHG-5154(010) from Hazard Elimination and Safety (HES) Grant Intersection Lighting.
- n) Adopted Resolution No. 99-56 authorizing the City Manager to execute a professional engineering services contract for design work for the Lower Sacramento Road Widening Project, and appropriated funds.
- o) Agenda item #E-15 entitled, "Agreement for purchase of neighborhood park site in Bridgetown, Unit No. 1 which repeals and supersedes previous agreement recorded as Instrument No. 96118935" was pulled from the agenda pursuant to staff's request.

- p) Adopted Resolution No. 99-57 approving the destruction of certain records retained by the Finance Department.
 - q) Agenda item #E-17 entitled, "Annexation agreement for Property Tax Allocation" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
 - r) Approved the specifications for five 35-foot Compressed Natural Gas (CNG) buses and authorized advertising for bids.
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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-17 entitled, "Annexation agreement for Property Tax Allocation".

City Manager Flynn presented the following report.

California annexation procedures require that property tax agreements be in place before the Local Agency Formation Commission (LAFCO) can process an annexation application. There are no requirements regarding the format or contents of an agreement but an annexation cannot be considered without one. Individual agreements can be negotiated for each annexation or a master agreement can be executed.

Over a seven-month period in 1996, the city managers of the seven San Joaquin County cities and the County Administrator worked to create a new master Countywide Annexation Agreement. With the exception of Lodi, all of the cities have executed a master agreement based on the Countywide consensus that was reached in these meetings.

The central feature of the Countywide agreements governs the allocation of property tax. The basic sharing of reallocated property taxes (the annexation pool) is specified to be in the ratio of 90% County and 10% City. As to term, the agreements executed by the other cities were to be in effect for a period of seven years and will be terminated on June 15, 2003.

It is in the interest of the City of Lodi to participate in the Master Annexation Agreement at this time. The agreement is based on the basic sharing of reallocated property tax (90/10) and the Countywide termination date (6/15/03).

Council Member Nakanishi removed this item for discussion purposes, and posed questions relating to the split and at how it was arrived.

The City Council, on motion of Council Member Nakanishi, Land second, unanimously approved the Annexation Agreement for property tax allocation and authorized the City Manager to sign and return the agreement to San Joaquin.

7. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Land called for the continued Public Hearing to consider police alarm ordinance and fees.

ACTION:

The City Council, on motion of Council Member Pennino, Hitchcock second, unanimously continued the Public Hearing to April 21, 1999 to consider police alarm ordinance and fees.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Land called for the Public Hearing to consider the Planning Commission's recommendation that the City Council adopt a General Plan Land Use Amendment from MDR, Medium Density Residential to LDR, Low Density Residential.

Community Development Director Bartlam provided the following report.

The project involves the small southernmost triangular portion of the approved and developing Lodi West Development Plan. The recommended General Plan Amendment stems from the recent Planning Commission approval of the Lodi West development plan amendment that redesigned the 7.16-acre project site from a 57-lot, medium-density, single-family subdivision into a 42-lot, low-density single-family subdivision. Subsequent to the approval of development plan amendment, the Planning Commission recommended the forfeiture of the original 57 Council approved medium-density building permit allocations and the awarding of 42 low density allocations. The City Council approved the recommended allocations late last year. In addition to the development plan amendment and the awarding of allocations, the Planning Commission recently approved the tentative subdivision map for Lodi West, Unit No. 7, which mapped the project area in compliance with its development plan. All of the prior Planning Commission approvals are contingent on the City Council's approval of the recommendation to approve this General Plan amendment.

The following information is a detailed background on the Lodi West, Unit No. 7 tentative subdivision map. Unit No. 7 is generally located south of Paradise Drive, north and east of the Woodbridge Irrigation District Canal (WID), and west of Lower Sacramento Road. In order to validate the recently approved subdivision, the General Plan Land Use Map amendment from MDR, Medium Density Residential to LDR, Low-Density Residential must take place. Unit No. 7 contains approximately one-tenth of the total single-family lots approved and allocated for the entire Lodi West Development Plan.

The 42 single-family lots of Unit No. 7 will be similar in size to the existing lots of the previously approved subdivision units to the north; however, the proposed street configuration is unique to this subdivision unit. Given the small number of dwelling units within the project and that the longest street section will only serve 11 homes, the applicant proposed a smaller 38-foot right-of-way.

The City's minimum standard for residential street width is 50-feet; however, comments and discussions among Engineering, Fire and Planning have provided the information necessary to conclude that the proposed 38-foot right-of-ways are attractive and functional. The street will be at a residential scale providing access to the homes without overwhelming the area with a lot of unnecessary pavement. We feel that the proposed street widths will discourage high speeds by physically making it appear more difficult to do so. By staggering driveway locations on the streets, we will also be able to allow on-street parking without creating an obstruction to emergency vehicles. There is a condition of approval to provide street trees near the back of the sidewalk to establish a parkway atmosphere. This condition is a move toward a City standard that could apply to all future residential developments implementing a reduced street width.

Another unique element of the street system of Unit No. 7 is the use of a hammerhead style turnaround instead of the typical cul-de-sac. The hammerhead turnaround is beneficial to the project because it is functional, is much less expensive than having to provide an 80-foot diameter cul-de-sac, and maximizes the number of lots within the development. By reducing costs and increasing the density within the subdivision, the developer will save money and have the ability to pass these savings on to the consumer.

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The subdivision map is proposed at approximately 6 dwelling units per acre with an average lot size of around 5,500 square feet. The proposed density and lot sizes are consistent with the existing R-2, single-family zoning of the surrounding lots to the north and west. Lodi West, Unit No. 7 is in substantial compliance with its approved development plan. The lots of Unit No. 7 have been reviewed and approved at the development plan level and are simply a continuation of the development process.

Over the past seven years, 233 of the 378 single-family lots of the Lodi West Development Plan have been mapped as a final subdivision map. So far, approximately 83 homes are built and 66 are under construction. Frontier Development has been constructing homes in the Lodi West Subdivision for over a year now and the majority of the homes in the subdivision. Given Lodi West's slow start, staff is pleased to see Frontier Development's recent and continued activity. Frontier will be constructing homes on the remaining lots of the existing final subdivision units as well as the lots of the final map established from this tentative map.

Hearing Opened to the Public

There was no one wishing to speak on this matter.

Public Portion of Hearing Closed

ACTION:

Following discussion, the City Council, on motion of Council Member Hitchcock, Nakanishi second, unanimously adopted Resolution No. 99-58 entitled, "A Resolution Of The Lodi City Council Amending The Land Use Element Of The Lodi General Plan By Redesignating The Property Located At 2630 Paradise Drive From MDR, Medium Density Residential To LDR, Low Density Residential".

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Hitchcock, Pennino second, unanimously rejected the following claims:

1. Ham Lane Church of Christ, date of loss 12/4/98
2. Courtney Farnsworth, date of loss 10/17/97

- b) City Clerk Reimche read the following ABC Licenses:

1. Sandra K. Wareham to Donald Jack Stunkart, Corner Pocket, 725 South Cherokee Lane, Lodi, On-Sale Beer and Wine, Person to Person Transfer

- c) The City Council, on motion of Council Member Pennino, Land second, unanimously made the following recommended appointment to the Local Agency Formation Commission (LAFCO):

Local Agency Formation Commission (LAFCO)

Council Member Stephen J. Mann, Alternate

- d) City Clerk Reimche provided for information a notice from Pacific Gas & Electric Company regarding application to reduce PG&E's electric rates at the end of the electric rate freeze.

9. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "Select design alternative and approve plans and specifications and advertisement for bids for Sacramento Street Reconstruction, Pine Street to Oak Street".

Public Works Director Prima presented the following report.

This project consists of reconstructing approximately 24,000 square feet of asphalt concrete pavement and replacing curb, gutter, sidewalk, street lights, street trees along the west side of the street, and other incidental improvements. This work is to be done in conjunction with the Multimodal Station Project.

This is the first major street improvements project adjacent to the Downtown street project recently completed. Staff is seeking Council confirmation on continuing the practice of placing trees in the parking zone as was done on School and Oak streets versus replacing the improvements as is. Continuation of this design on other Downtown streets was not specifically addressed in the Downtown Concept Plan. (In fact, some of the graphics imply it was not to be continued.) However, there are some significant advantages to this design:

- The pedestrian space is enlarged which also allows more room for outdoor seating and/or merchandise displays.
- The trees are further away from awnings and street lights, thus reducing conflicts.
- The trees can grow and be pruned to provide better shade than ones located close to the buildings.

The two designs were discussed in detail. The "tree-in-parking-zone" configuration, while providing an improved pedestrian environment, causes the loss of five parking spaces in this block. While the loss of a few parking stalls is of concern, with the additional spaces to be added by the Multimodal Station and future projects, staff felt the advantages outweigh that concern.

Council Member Pennino requested staff to evaluate the cost effectiveness of improving two blocks on Sacramento Street as one project.

Following additional discussion, the City Council, on motion of Council Member Pennino, Hitchcock second, unanimously approved the plans and specifications for the Sacramento Street Reconstruction, Pine Street to Oak Street, and selected the Design Alternative with the trees in the street.

10. ORDINANCES

None.

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

There was no one wishing to speak under this segment of the agenda.

12. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Mann stated he learned recently that the City of Modesto has an ordinance in place that puts very tight controls on adult-type businesses. Further, he stated that it is his understanding that their ordinance has been tested legally. Council Member Mann asked that the City Attorney request a copy of this ordinance, study it, and make recommendations as to whether or not the City of Lodi could use it as a model.

Mayor Land and Council Members Nakanishi and Hitchcock indicated they would be in favor of looking into this. Council Member Hitchcock added that she understands Citrus Heights also has a brand new ordinance regarding the same matter, and she would be interested in the City looking at that ordinance as well.

Council Member Mann stated that the City of Modesto's ordinance has been very successful, and he would look forward to a like ordinance being adopted and imposed in Lodi.

- b) Council Member Pennino acknowledged receipt of a petition signed by a number of parents of children attending Lawrence School. The petition expresses their concern about the danger they are being exposed to every day in crossing Lockeford Street at the corner of Calaveras Street. They are asking that a stop sign be placed on Lockeford Street for the security of all the community and especially the children. Council Member Pennino suggested that a letter be prepared for the Mayor's signature advising that work is presently being planned for the subject area, and that the letter be forwarded to the parents and the Lawrence School Parent-Teacher Association (PTA).
- c) Council Member Nakanishi reported that he recently attended a Planning Conference, and he came away with many new ideas.
- d) Council Member Hitchcock reported that last week the City Council met in a joint meeting with the Lodi Unified School District (LUSD). Council Member Hitchcock indicated that discussion included joint-use agreements, before and after school programs and lack of facilities. Council Member Hitchcock encouraged community support of the School Board bond issue that is coming before the community shortly.
- e) Mayor Land stated he had served as a judge recently for a talent show at Lodi Middle School. He congratulated the winner and indicated how much he enjoyed the event.

Mayor Land further stated he has been invited this weekend to attend the 100th birthday celebration of Ida Sinclair. Also, he has been invited to the 50th wedding anniversary celebration for Evanda and Reuben Frey.

Mayor Land presented a new brochure that was published by the Boosters of Boys and Girls Sports Organization and acknowledged what an outstanding organization this is.

Mayor Land stated that on the evening of April 8, 1999, he will be attending the California Parks and Recreation Society awards banquet. He stated that the Lodi Rotary Club will be honored for its efforts at Van Buskirk Park and that John Griffith will receive the Lodi Community Service Award.

Mayor Land stated that two weeks ago he did a ride-along with the Lodi Fire Department and acknowledged the City's outstanding Fire Department employees.

Mayor Land gave a report on the Stockton City Council meeting he and other City representatives attended at which ProStyle Sports was a topic of discussion.

Also at that meeting, it was brought out that the Stockton City Council is concerned about developing a green belt. It was suggested that a 2 x 2 x 2 Committee be formed comprised of two representatives each of the City of Lodi, the City of Stockton and the Board of Supervisors to study this subject and the master planning of the I-5 corridor.

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- f) City Manager Flynn stated that City Attorney Hays will be celebrating his birthday on April 12, 1999 and that Police Chief Hansen will celebrate his birthday on April 15, 1999.

City Manager Flynn stated he had been contacted by a citizen who applauded the Fire Department in saving the citizen's life.

City Manager Flynn provided the City Council with statistics on turnover in the City's work force and salary comparison information pertaining to the Lodi Fire Department and the Woodbridge Fire Department.

- g) Council Member Hitchcock thanked City Attorney Hays for his serving as Principal For A Day at Lodi Middle School and to Mayor Land for his judging of the talent contest.

13. CLOSED SESSION

Mayor Land adjourned the City Council meeting to a Closed Session to discuss the following matters:

- a) Actual litigation: Government Code §54956.9(a). One case. Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 LKK PAN
- b) Threatened litigation: Government Code §54956.9(b). One case. Potential suit by Crystal Rieger against City of Lodi based on vehicle accident

14. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 8:55 p.m., and Mayor Land disclosed that item a) was not discussed and that on item b) the City Council provided staff with authority to negotiate a settlement.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Land adjourned the meeting at approximately 8:55 p.m.

ATTEST:

Alice M. Reimche
City Clerk